

REMARKS

In response to the above-identified Office Action, the Applicants submit the below remarks and respectfully request reconsideration of the application, as amended, in light of these remarks.

The Examiner rejected claims 1, 5 and 26 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent 5,892,900 (hereinafter Ginter). The Examiner also rejected claims 2-4, 6-13, 19-21, 27-29 and 33-34 under 35 U.S.C. 102 (b) as being anticipated by Ginter. The Examiner rejected claims 14-18, 22-25 and 30 under 35 U.S.C. 103 (a) as being unpatentable over Ginter. The Examiner also rejected claims 31-32 under 35 U.S.C. 103 (a) as being unpatentable over Ginter and further in view of U.S. Patent 6,282,173 (hereinafter Kitsukawa). The Applicants respectfully traverse these rejections for the reasons set out below.

Applicants contend that references alone or in combination do not teach or suggest all limitations of claim 1, or the other independent claims of the present application. The Applicants' arguments shall be presented with respect to claim 1. However, these comments are applicable to the other independent claims of the present application, and the Examiner is respectfully requested to consider these comments and remarks when reviewing the other independent claims for allowability.

Ginter does not teach or suggest intercepting a user request for the enhanced content programming, said user request originating in the receiver and directed at the content provider, wherein said intercepting step is performed by the third party. Ginter discloses a system for secure transaction management and electronic rights protection. Ginter's system utilizes a virtual distribution environment (VDE), which controls, meters and monitors use of electronically stored and disseminated information (see Abstract). In Ginter, upon successful registration the end user connects to the VDE repository via Internet or a software application. Upon connection to the VDE, the user may browser the content in the VDE to determine which content the user desires to request (Figure, 77;

Column 314, line 62 – Column 316, line 34). If rules and controls are satisfied the user may obtain the requested content. Thus, the user does not request the content directly from the content provider, but connects to the VDE repository, and thus the VDE does not intercept any requests originating at the user's receiver and directed to the content provider.

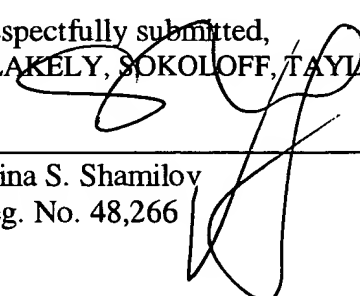
Moreover, Ginter does not teach or suggest permitting the enhanced content programming to be provided to the receiver in response to the user request if the content provider is authorized by said user profile, wherein said permitting step is performed by said third party. As described in Ginter, the rules and controls specify how the content can be used and distributed based on user's profile, such as user's credit worthiness, and based on content provider's conditions, such as cost of viewing the content, right to distribute the content to other users, etc. (Column 54, line 37 – Column 55, line 56). VDE system does not check whether the content provider is authorized. In fact, the content providers deposit the content into VDE repository only after content providers go through the registration process, during which content providers are authorized. Hence, the content provider cannot deposit content into the repository without being already authorized and hence the user cannot request content from the repository provided by a non-authorized content provider. (Figure 78, Column 314, line 62 – Column 316, line 34). Thus, VDE system does not determine whether the content provider is authorized after the user requests the content.

The Applicants submit that the rejections under 35 U.S.C. § 102 (b) and 103 (a) have been addressed, and withdrawal of these rejections is respectfully requested. The Applicants furthermore submit that all pending claims are in condition for allowance, which is earnestly solicited.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,
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MARKED UP VERSION OF THE CLAIMS

Please amend the following claim.

1. (Amended) A method of controlling a transaction between a receiver and a content provider occurring over a network operated by a network operator, wherein said content provider offers enhanced content programming relating to the transaction, the method comprising the steps of:

storing a receiver profile in a data base controlled by a third party, wherein said third party is coupled to said network;

intercepting a user request for the enhanced content programming, said user request originating in the receiver and directed at the content provider, wherein said intercepting step is performed by said third party;

determining if said user request for the enhanced content programming is authorized by said stored receiver profile; and
permitting the enhanced content programming to be provided to the receiver in response to the user request if the content provider is authorized by said user profile, wherein said permitting step is performed by said third party.

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